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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,300

01/20/2006

Masaaki Tanizaki

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Juan Carlos A. Marquez  
c/o Stites & Harbison PLLC  
1199 North Fairfax Street  
Suite 900  
Alexandria, VA 22314-1437

EXAMINER

TANG, SIGMUND N

ART UNIT

PAPER NUMBER

2612

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,300	<b>Applicant(s)</b> TANIZAKI ET AL.	
	<b>Examiner</b> SIGMUND TANG	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **Response To Amendment**

### ***Status of Claims***

1. In a response received on 24 July 2009, claims 11-35 have been amended. Claims 11-35 are currently pending.

### ***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> Paragraph***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11 and 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 11 states, "...giving roads including the guide route, at least one main road and branch roads priorities in that order...". Since the guide route *per se* is **not** physically a road but an intended "group of roads" for the vehicle to travel on, it is indefinite.

- b. Claims 11 and 23 state, "...categories indicating road type and priorities..." 'Priorities' appears should have been -- said priorities -- for reasons of antecedent basis.

- c. Claims 11 and 23 state, "...wherein **there** is provided a table..." The word 'there' in this statement gives the notion that there is a *physical location* of the table that is not disclosed. Claims 11 and 23 are method claims and should be amended accordingly.

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D. Claim 23 states, "...preparing the summarized map by selecting reads at least one road..." It is believed that 'reads' is an unintentional limitation.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-13, 20, 21, 23-25, 32, and 33 are rejected under 35 U.S.C. 103(a) as being anticipated over Moroto et al, US Patent No 5,121,326.

Re Claims 11-13, 20, 21, 23-25, 32, and 33, Moroto discloses a summarized map (Moroto, Figure 4(a); Column 6, Lines 13-49) providing guidance (Moroto, Figure 4(a), "dotted line") along a course in a local area by setting a designated point of departure such as the present position of a vehicle (Moroto, Figure 4(a), "arrow") to a destination (Moroto, Figure 4(a), "Circled X").

Moroto also discloses a summarization degree (Moroto, Column 2, Lines 45-55; "scale ratio") that is set in conformity with the distance between the present position of a vehicle to a destination. Moroto further discloses a detecting means of the present position of a vehicle and calculates present position by means of an inputs, steering angle, and information from a range finder (Moroto, Column 9, Lines 12-34). Note: The labeling of a certain map to

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be a "summarized map" has no bearing on patentability since there is no claimed contrasting of sizes between said summarized map and another map.

Priorities are set to *limit* the number of roads and elements displayed based on a summarization degree corresponding to the distance from the present position of a vehicle to a destination. Moroto discloses setting scale ratios for displaying a greater or smaller range of a map (Moroto, Figure 2) of items and *ranks* roads (Moroto, Figure 3; Column 5, Lines 53-65) in priorities to be displayed wherein major roads are prioritized before minor roads (Moroto, Figure 3; 'Ranks 1 or 2' [Main Roads], 'Ranks 3 or 4' [Branch Roads]).

The limitation wherein the priorities of the main road and the crossing/branch roads are changed in accordance with a ***dynamic change in the guide route*** is met by Moroto as explained in the paragraph above. The term "dynamic change" is able to be interpreted broadly as being met by Moroto's method of dynamically variable based on the dynamically changing distance from a current location to a destination calculation to change priorities on main to branch roads. Moroto's example is *indicative* (Moroto, Column 6, Lines 6-9) of this interpretation.

The limitation concerning the guide route and crossing roads intersecting said guide route as well as changing dynamically based on the present position of the vehicle is also met by Moroto. An example of this is shown in Figure 4(a) and Figure 4(b) (Moroto, Column 6) wherein Figure 4(a) displays less details at 43.7 km to the destination but however Figure 4(b) displays more details than Figure 4(a) at 10.6 km to destination including crossing roads intersecting with

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the guide route. In essence, the priorities of having at least one road on the guide route and at least one road of the crossing roads are displayed on the summarized map according to road ranks/priorities.

The applicant includes the limitation of a table for storing ID that identifies road data, categories indicating road types and priorities. In another words, it is interpreted that the applicant is claiming that the data of the listed items are physically arranged in a table manner. While Moroto's discloses the listed conceptually as a table (Example: Figure 3), Moroto's does not physically arrange it as such. It would have been obvious to a person ordinarily skilled in the art at the time of the claimed invention that the data is stored at least **logically** to function as a table. Furthermore, there is no criticality as to having a table or not as the functional result of displaying the summarized map remains.

Examiner's Note: Claims 11 and 23 state that the "summarized map is *prepared* by selecting at least one road on the guide route and at least one road of the crossing roads". There is not enough description as to how the priorities of how the other roads affect the result of the *prepared* summarized map.

6. Claims 14-18, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroto et al, US Patent No 5,121,326 in further view of Katou et al, US Patent No. 6,006,161.

Re Claims 14-18, 26-29, Moroto fails to disclose a two-display system. Katou discloses an invention in a similar field of endeavors wherein two screens are used in a vehicle navigation system. Katou discloses a two-screen mode (Katou, Figure 5b) wherein a right screen is in a form of a "present-location" map

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screen (local plane map) wherein the present position of a vehicle is shown with surrounding objects wherein the left screen is used for displaying maps of greater ranges such as a city map or a schematic diagram (Katou, Column 7, Lines 13-20). This specific teaching (Katou, Figure 5b) shows having both the different display forms of a "summarized display" and a "road map". A person ordinarily skilled in the art would combine the teachings of Katou and Moroto for the benefit of recognizing a positional relationship of a present vehicle location to a destination with divided screens.

Re Claims 19, 30, and 31, Moroto already provides the teaching of a variable contraction scale (scale ratio) set in conformity to the summarization degree of the distance between a present location of a vehicle to a destination, as explained in **Claim Rejections - 35 USC § 102**. One ordinarily skilled in the art would utilize said Moroto's teaching and applied to any navigational map like a local area map for the purpose simplifying the display and making it easier for a driver of the vehicle to ascertain the course while driving (Moroto, Column 3, Lines 10-22).

Claims 22, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroto et al, US Patent No 5,121,326 in further view of Nakayama et al, US Patent No. 5,732,385.

Re Claims 22, 34, and 35, Moroto discloses a scale ratio of the range of a map dependant upon the distance between a present position of a vehicle and a destination is *silent* on having said scale ratio dependant upon vehicle speed. However, Moroto fails to disclose the limiting of displayed elements based upon

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a vehicle's speed. Nakayama discloses an invention in the same field of endeavors as Moroto of a vehicle navigation system. Nakayama discloses the teaching of varying contract scale ratios can be displayed according to the *vehicle's speed* (Nakayama, Column 8, Lines 11-18; Column 13, Lines 30-36). A person ordinarily skilled in the art would combine the teachings of Katou and Moroto for the benefit of having an accurate map display system.

### **Response to the Applicant's Arguments/Remarks**

8. Applicant's arguments with respect to claims 11-35 have been considered.

a. The amendment's changed limitations including the table have already been addressed in the rejections above.

b. The applicant argues against the Moroto's reference and states, "once the priority is determined, it is not changed." (Page 9) There is a large disconnect with the applicant's argument because in the claimed invention (Claim 11), there is a limitation stating, "the guide route, at least one main road and branch roads priorities **in that order**". It should be noted that in the claims, "changing the priorities" (Claim 23) is not described narrowly enough (i.e. a branch road can have a higher priority than a main road, etc).

c. The applicant argues that "dynamic change" only means that, when the road that the vehicle is currently traveling on is changed, a road to be selected as the guide route is changed, and thus the roads to be displayed are changed. This is **moot** as it is not claimed.

The claim limitation in question is "...a dynamic change in the guide route and the crossing roads existing in an area displayed in the summarized map due



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to a change in the present position of the vehicle..." The guide route can encompass several roads that is selected for the vehicle to travel on.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sigmund Tang whose telephone number is 571-270-1243. The examiner can normally be reached on M-F: 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on 571-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ST

29 August 2009

/BENJAMIN C. LEE/

Supervisory Patent Examiner, Art Unit 2612